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EXAMINER

NGUYEN, FRANCIS N

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,200

Applicant(s)

PALMER ET AL.

Examiner

FRANCIS NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-17, 19 and 22-26 is/are rejected.
- 7) ☒ Claim(s) 7, 18, 20, 21 and 27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Fenton et al. (US Patent 6,343,264).

As to claim 1, Fenton et al. discloses a method of applying a decorative element to a window covering (window and wall coverings, column 2, lines 38-40), the method comprising the steps of:

providing decorative element data (color, column 2, lines 28-50) ;

applying the decorative element according to the decorative element data to the window covering in a retail store (customer shopping, column 1, lines 65-66).

As to claim 2, the method of Claim 1, wherein the decorative element is one of a color, image, pattern, and texture (color, column 2, lines 28-50).

As to claim 3, the method of Claim 1, wherein the step of providing decorative element data includes selecting the decorative element from a database (product information database allows user selection, column 6, lines 6-17).

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As to claim 4, the method of Claim 1, wherein the step of providing decorative element data includes scanning a sample provided by a customer (scanner, column 4, lines 65-67).

As to claim 5, the method of Claim 1, wherein the step of providing decorative element data includes reading an electronic file provided by the user (computer hard drive , column 4, lines 10-11).

As to claim 6, the method of Claim 1, wherein the step of displaying the decorative element applied to the window covering on a monitor (graphic display monitor16, column 4, lines 4-5).

3. Claims 8-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ringland et al. (US Patent 6,122,391).

As to claim 8, Ringland et al. discloses a method for applying a decorative element to a window covering, the method comprising the steps of:

providing a searchable data compilation of decorative elements on a storage device (database on CD-ROM, column 12, lines 55-56);

displaying available decorative elements to a customer (GUI module, column 15, lines 45-46) ;

obtaining a selection from the user (Graphical User Interface, column 15, lines 35-36), the selection comprising at least one of the decorative elements contained in the data compilation (steps 408/410 shown in figure 4) ;

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displaying images of the selected decorative element applied to the window covering (display color on monitor, column 6, lines 6-7) ;

applying the selected decorative element to the window covering (customer chooses panel and confirms selection matching panel to fabric samples, column 7, lines 48-51).

As to claim 9, the method of claim 8 wherein the selected decorative element is one of color, an image, a pattern, a texture (pattern, column 20, lines 58-60).

As to claim 10, the method of claim 8, wherein the selected decorative element is applied to the window covering in a retail store(customer chooses panel and confirms selection matching panel to fabric samples, column 7, lines 48-51, this implies location in a retail store is inherent).

As to claim 11, the method of claim 8, further including the step of scanning a sample (scanner, column 6, lines 49-51) .

As to claim 12, the method of claim 8, further including the step of accessing a file containing the searchable data compilation(image file on CD-ROM, column 7, lines 62-64).

As to claim 13, the method of claim 8, further comprising the step of storing the searchable data compilation on a removable storage medium (database on CD-ROM, column 12, lines 55-56);

As to claim 14, the method of claim 13 wherein the removable storage medium is a CD-ROM (column 14, lines 12-16).

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As to claim 15, the method of claim 8 wherein the step of displaying images includes rendering at least one decorative material onto a computer model of the window covering (render/visualization module 340 in figure 3, rendering engine providing selected materials in a room image, column 18, lines 36-39, system can provide image of typical room , column 18, lines 14-16, this corresponds to the claimed computer model), render 810 shown in figure 8).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16-17,19, 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al. (US Patent 6,343,264) in view of Ring et al. (US Patent 5,754,184).

As to claim 16, Fenton et al. discloses a system for applying a decorative element to a window covering in a retail location, the system comprising:

a computer device configured to store and recall a decorative element data (column 4, lines 8-18, color key system, column 2, lines 51-59).

However, Fenton et al. fails to expressly teach a printer coupled to the computer and configured to apply the selected decorative element to the window covering. Ring et al. discloses a printer coupled to a computer in a visual match application(figures 1 and 7). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the system taught by Fenton et al. then coupled a printer to the computer as taught by Ring et al. , because it

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would allow the operator/user/customer to save a hard copy for reference or conduct further visual match activity.

As to claim 17, the system of claim 16, further include a scanner configured to spectrophotometrically measure a color sample (Fenton et al., column 4, lines 60-67).

As to claim 19, the system of claim 16 wherein the computer is coupled to a network or an Internet service so that decorative element data from a remote location is searchable or recallable (Fenton et al. discloses file of example interiors and library preferably downloaded, tcolumn 6, lines 51-54) ,

As to claim 22, the system of claim 16, wherein the decorative element is one of a color, pattern, image, and texture (Fenton et al., color, column 2, lines 28-50).

As to claim 23, Ringland et al. discloses a system for customizing a window covering, the system comprising

a memory storage device device (database on CD-ROM, column 12, lines 55-56) configured to store and recall decorative element data files and textual information coordinated with the decorative element data files,

a display (display color on monitor, column 6, lines 6-7) configured to display the decorative element data files in response to actions of a user to recreate a representative image of the decorative element sample;

an input device (keyboard/mouse shown in figure 1) for accepting choices from the user;

a processor (computer 10 shown in figure 1) configured to implement data manipulation and operate the display, input device, and storage device;

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rendering program (render/visualization module 340 in figure 3, render 810 shown in figure 8) for rendering decorative elements chosen by the user;

However, Ringland et al. fails to expressly teach a printer configured to apply the selected decorative element to the window covering. Ring et al. discloses a printer coupled to a computer in a visual match application(figures 1 and 7). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the system taught by Ringland et al. then couple a printer to the computer as taught by Ring et al. , to obtain the system Ringland et al. modified by Ring et al. because it would allow the operator/user/customer to save a hard copy for reference or conduct further visual match activity.

As to claim 24, the system of claim 23, wherein the decorative element is one of a color, image, pattern, and texture (Ringland et al., pattern, column 20, lines 58-60).

As to claim 25, the system of claim 23 further including a scanner configured to spectrophotometrically measure a color sample (Ringland et al., column 6, lines 45-56)

As to claim 26, the system of claim 25, wherein each color contains RGB values corresponding to the actual spectrophotometrically measured sample (Ringland et al. teaches photosensitive probe(column 6, lines 20-21) which reads on the spectrophotometer, display a number of fields of colors during monitor calibration , column 6, lines 26-36, this reads on the three primary RGB color values.

Allowable Subject Matter

6. Claims 7, 18, 20-21, 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 7, none of prior art discloses the method of applying a decorative element to a window covering, wherein the step of applying the decorative element includes printing the decorative element onto a portion of the window covering.

As to claim 18, none of prior art discloses a system for applying a decorative element to a window covering in a retail location further comprising a program for mapping a selected decorative element onto appropriate portions of the image of the selected window covering sample whereby the user can appreciate how the selected decorative element might look on the window covering.

As to claim 20, none of prior art discloses a system for applying a decorative element to a window covering in a retail location, the system further including a magazine configured to feed window covering elements to the printer.

As to claim 21, none of prior art discloses a system for applying a decorative element to a window covering in a retail location, further including a curing apparatus configured to cure the decorative element.

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As to claim 27, none of prior art discloses a system for customizing a window covering, the system comprising a program for mapping a selected decorative element onto appropriate portions of the image of the selected window covering.

CONCLUSION

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **FRANCIS N NGUYEN** whose telephone number is **703 308-8858**. The examiner can normally be reached during hours 8:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached at 703 305-4579.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service whose telephone number is (703) 306-0377.

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April 9th, 2003

A handwritten signature in cursive script, appearing to read 'Francis N. Nguyen', written in black ink.

FRANCIS N NGUYEN

Examiner

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